

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JS - 6

Nautilus Insurance Company,

Plaintiff,

vs.

6400 Corporation, Inc. and
LBJ Bishop Enterprises, Inc.

Defendants.

Case No: 2:12-cv-06055-R

Judge: Honorable Manuel L. Real

6400 Corporation, Inc.,

Cross-Plaintiff,

vs.

LBJ Bishop Enterprises, Inc.

Cross-Defendant.

JUDGMENT

On March 4, 2013, the Court held a hearing in this matter to further consider 6400 Corporation's Motion for Summary Judgment filed on its cross-claim on Breach of Lease. After consideration of the moving, opposition and reply papers, and after consideration of the argument of counsel, the Court hereby **ORDERS, DECREES AND ADJUDGES** as follows:

1. 6400 Corporation's supplemental briefing in support of its motion for summary judgment fails to demonstrate the absence of a genuine dispute of material fact with respect to its claims for breach of the lease against Bishop. Accordingly, 6400 Corporation's cross-motion for summary judgment is **DENIED**.

1 2. The Court finds that with the resolution of the underlying interpleader
2 action, the issue of breach of lease can be litigate by the parties in the on-going state
3 court action. Accordingly, the Court *sua sponte* dismisses the remainder of this
4 Interpleader Action for the lack of subject matter jurisdiction pursuant to Fed. R. Civ.
5 Proc. 12(b)(1). This case is now closed.

6 SO ORDERED.

7
8
9 Dated: March 8, 2013



10 U.S. District Judge Manuel L. Real
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28